



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-990803-011)

In The Matter Of:

**ROBERT PAUL BLASKO, R.Ph.**

8031 Camden Way

Canfield Township, Ohio 44406

(R.Ph. No. 03-1-17307)

### INTRODUCTION

THE MATTER OF ROBERT PAUL BLASKO CAME TO HEARING ON NOVEMBER 9, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

ROBERT PAUL BLASKO WAS REPRESENTED BY DAVID W. GRAUER, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) George Pavlich, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Robert Paul Blasko, R.Ph., Respondent
- (2) Joe Salmen, R.Ph., Pharmacists Rehabilitation Organization

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1—Copy of four-page Summary Suspension Order/Notice of Opportunity for Hearing dated August 3, 1999.
- (2) Exhibit 1A—Notice of Appearance in the matter of Robert Paul Blasko, R.Ph. and Certificate of Service dated August 10, 1999.
- (3) Exhibit 1B—Hearing Request letter and Certificate of Service dated August 25, 1999.
- (4) Exhibit 1C—Copy of Hearing Schedule letter dated September 10, 1999.

- (5) Exhibit 1D—Copy of Pharmacist File Front Sheet of Robert Paul Blasko showing original date of registration as July 29, 1988, and two-page copy of Renewal Application for Pharmacist License No. 03-1-17307, for a license to practice pharmacy in Ohio from September 15, 1999, to September 15, 2000, of Robert P. Blasko dated July 10, 1999.
- (6) Exhibit 2—Statement of Sherry Pieton dated July 6, 1999.
- (7) Exhibit 2A—Copy of Affidavit of Robert Paul Blasko, R.Ph. dated August 23, 1999.
- (8) Exhibit 3—Statement of Dominic Dundee dated June 30, 1999.
- (9) Exhibit 4—Statement of David M. Noday dated June 30, 1999.
- (10) Exhibit 5—Copy of Toxicology Medical Legal-Specimen Chain of Custody Form with attached copy of TB syringe, sealed July 2, 1999.
- (11) Exhibit 6—Toxicology-Forensic Report dated June 30, 1999.
- (12) Exhibit 7—Copy of prescription bottle of Jacquelyn Fisher labeled Prescription No. 9823208561-03 dated August 20, 1998.
- (13) Exhibit 8—Statement of Allyn J. Booher dated August 4, 1999.
- (14) Exhibit 9—Copy of four-page Video Recorder Request Report for the main pharmacy dated July 7, 1999, and copy of four-page Video Recorder Request Report for the oncology clinic dated July 7, 1999.
- (15) Exhibit 10—Eight-page copy of forty-six video-freeze-frame photographs dated from July 12, 1999, 2:47:57 p.m. through July 13, 1999, 4:35:07 p.m.
- (16) Exhibit 11—Copy of Perpetual Controlled Drug Inventory Record of Owen Health Inc. dated June 30, 1999 through July 13, 1999.
- (17) Exhibit 12—Dangerous Drug Distributor Inspection Report of Forum Health NS Hospital dated July 13, 1999, with attached copies of: an envelope marked "Evidence"; six Morphine PCA 250mg/per 50ml units; and an envelope marked "Reference Unit Prepared for Quantitative Analysis of Morphine PCA 250mg/per 50 ml (5mg/per ml)".
- (18) Exhibit 13—Chain of Custody Form with the following attachments: six pages of Toxicology/Therapeutic Drug Monitoring Test Results of tests ordered on August 24, 1999, with Order ID numbers 20240553, 20240556, 20240558, 20240561, 20240563, and 20240565.

Respondent's Exhibits:

- (1) Exhibit A—Copy of two-page Pharmacist's Recovery Contract for Robert P. Blasko dated August 12, 1999.
- (2) Exhibit B—Copy of letter from Carol Fambro dated November 3, 1999.
- (3) Exhibit C—Copy of letter from Kenneth Coulson dated November 3, 1999.
- (4) Exhibit D—Three-page copy of Record of Meeting Attendance of Robert Blasko dated August 6, 1999, through November 4, 1999.
- (5) Exhibit E—Copies of two Drug Urine Screen Reports of Robert Blasko for samples collected on September 22, 1999, and October 21, 1999.
- (6) Exhibit F—Copy of two-page affidavit of Dominic Dundee dated August 23, 1999.
- (7) Exhibit G—Copy of letter from Robert P. Blasko dated September 12, 1999.

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Ohio State Board of Pharmacy indicate that Robert Paul Blasko was originally licensed in the state of Ohio on July 29, 1988, pursuant to examination, and on August 3, 1999, Robert Paul Blasko's pharmacist identification card was summarily suspended pursuant to Divisions (A) and (B) of Section 3719.121 of the Ohio Revised Code.

- (2) Robert Paul Blasko is addicted to liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: A pharmacy technician observed Robert Paul Blasko acting in an irregular manner during his shift, placing a syringe with Morphine residue and having blood inside the cap into a Sharps container in the IV room. Robert Paul Blasko had been observed displaying obsessive behavior; he reported to work with bloodshot eyes, with blurred vision, lethargic in action, and was sometimes forgetful. It was also observed that he exhibited overall different appearances as well as actions. Such conduct indicates that Robert Paul Blasko falls within the ambit of Divisions (A) and (B) of Section 3719.121 of the Ohio Revised Code.
- (3) Robert Paul Blasko is addicted to liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Robert Paul Blasko admitted that he would inject himself five or six times a shift, while practicing pharmacy during the 3:00 p.m. to 11:00 p.m. shift, with up to 2cc of Morphine, "not to get high, just to take the edge off." Such conduct indicates that Robert Paul Blasko falls within the ambit of Divisions (A) and (B) of Section 3719.121 of the Ohio Revised Code.
- (4) Robert Paul Blasko did, on or about July 13, 1999, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Forum Health-Northside Hospital, beyond the express or implied consent of the owner, to wit: Videotapes show Robert Paul Blasko diverting Morphine from PCA units on three separate occasions; shortly thereafter, he admitted to State Board of Pharmacy agents that he had been diverting Morphine since March of 1999. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) Robert Paul Blasko did, on or about unknown and various dates during 1999, adulterate a drug, to wit: Robert Paul Blasko admitted to State Board of Pharmacy agents that he had replaced diverted Morphine with sterile saline so as to avoid detection of diversion. Such conduct is in violation of Section 3715.52 of the Ohio Revised Code.
- (6) Robert Paul Blasko did, on or about March 1999, through July 13, 1999, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Forum Health-Northside Hospital, beyond the express or implied consent of the owner, to wit: Robert Paul Blasko admitted to State Board of Pharmacy agents that he stole an undetermined quantity of Hydrocodone Bitartrate w/APAP 5/500, a schedule III controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (6) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (6) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2), (3), and (5) of the Findings of Fact constitute willfully violating, attempting to violate, or aiding and abetting the violation of provisions of Section 3715.52 or Chapter 3719. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

#### ACTION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued August 3, 1999.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Robert Paul Blasko:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-1-17307, held by Robert Paul Blasko effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-1-17307, held by Robert Paul Blasko effective as of the date of the mailing of this Order.
- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-1-17307, held by Robert Paul Blasko effective as of the date of the mailing of this Order.
- (D) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-1-17307, held by Robert Paul Blasko effective as of the date of the mailing of this Order.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and license to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The wall certificate and identification card should be forwarded by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-5/Nay-1).

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

**BY ORDER OF THE STATE BOARD OF PHARMACY**

ORDER MAILED  
AND EFFECTIVE: DECEMBER 16, 1999

CERTIFIED MAIL  
Return Receipt  
#P 848 691 437

By: \_\_\_\_\_  
William T. Winsley, M.S., R.Ph.  
Executive Director

WTW/tt



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# OHIO STATE BOARD OF PHARMACY

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## SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

August 3, 1999

Robert Paul Blasko, R.Ph.  
8031 Camden Way  
Canfield Township, Ohio 44406

Re: Ohio Registered Pharmacist  
Number 03-1-17307

Dear Mr. Blasko:

Records of the Ohio State Board of Pharmacy indicate that you are a pharmacist registered by this Board to practice pharmacy in the State of Ohio.

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. Further, in accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice and/or your method of distributing controlled substances presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Ohio State Board of Pharmacy indicate that you were originally licensed in the state of Ohio on July 29, 1988, pursuant to examination, and are currently licensed to practice pharmacy in the state of Ohio.
- (2) You are addicted to liquor or drugs or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: A pharmacy technician observed you acting in an irregular manner during your shift, placing a syringe with Morphine residue and having blood inside the cap into a Sharps container in the IV room. You have been observed displaying obsessive behavior; you report to work with bloodshot eyes, with blurred vision, lethargic in action, and you are sometimes forgetful. It has also been observed that you are exhibiting overall different appearances as well as actions. Such conduct indicates that you fall within the ambit of Sections 3719.121(A); 3719.121(B); and 4729.16(A)(3) of the Ohio Revised Code.
- (3) You are addicted to liquor or drugs or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: You admitted that you would inject yourself five or six times a shift, while practicing pharmacy during the 3:00 p.m. to 11:00 p.m. shift, with 2 cc of Morphine, "not to get high, just to take the edge off." Such conduct indicates that you fall

within the ambit of Sections 3719.121(A); 3719.121(B); and 4729.16(A)(3) of the Ohio Revised Code.

- (4) You did, on or about July 13, 1999, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Forum Health-Northside Hospital, beyond the express or implied consent of the owner, to wit: Videotapes show you diverting Morphine from PCA units on three separate occasions; shortly thereafter, you admitted to State Board of Pharmacy compliance agents that you have been diverting Morphine since March of 1999. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and constitutes being guilty of a felony or gross immorality and/or dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (5) You did, on or about unknown and various dates during 1999, adulterate a drug, to wit: You admitted to State Board of Pharmacy compliance agents that you would replace diverted Morphine with sterile saline so as to avoid detection of diversion. Such conduct is in violation of Section 3715.52 of the Ohio Revised Code, and constitutes being guilty of a felony or gross immorality and/or dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (6) You did, on or about March 1999, through July 13, 1999, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Forum Health-Northside Hospital, beyond the express or implied consent of the owner, to wit: You admitted to State Board of Pharmacy agents that you diverted Darvon 65mg tablets from the main hospital pharmacy during your shifts. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and constitutes being guilty of a felony or gross immorality and/or dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (7) You did, on or about March 1999, through July 13, 1999, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Forum Health-Northside Hospital, beyond the express or implied consent of the owner, to wit: You admitted to State Board of Pharmacy agents that you stole an undetermined quantity of Hydrocodone Bitartrate w/APAP 5/500, a schedule III controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and constitutes being guilty of a felony or gross immorality and/or dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Revised Code states, in pertinent part: "any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person's license, certificate, or registration..." Additionally, Section 3719.121(B) of the Revised Code states, in pertinent part:

- (B) If the board under which a person has been issued a license, certificate or evidence of registration determines that there is clear and convincing evidence that continuation of the person's professional practice or method of distributing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, certificate, or registration without a hearing....

WHEREFORE, PURSUANT TO SECTIONS 3719.121(A) and (B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR

WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until an adjudicatory hearing has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

- (A) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, place on probation, or refuse to grant or renew an identification card, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:
- (1) Guilty of a felony or gross immorality;
  - (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
  - (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
  - (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
  - (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, or Chapter 2925. or 3719. of the Revised Code;
  - (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
  - (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy; or
  - (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home.
  - (9) Has violated the terms of a consult agreement entered into pursuant to Section 4729.39 of the Revised Code.

IF YOU REQUEST A HEARING within thirty (30) days of the time of the mailing of this notice, such will be afforded. Such request shall be mailed to the Ohio State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

BY ORDER OF THE STATE BOARD OF PHARMACY

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William T. Winsley, M.S., R.Ph.  
Executive Director

DLR:tt (D-990803-011)

cc: Sally Ann Steuk, Assistant Attorney General